

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 28198 of 2019

Date of decision : 07.10.2020

Karanbir Singh @ Kalu

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. A. G., Punjab.

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DAYA CHAUDHARY, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 74 dated 17.06.2018 under Section 21 of the NDPS Act, 1985, registered at Police Station – Verowal, Distt. Tarn Taran, during pendency of the trial.

Learned counsel for the petitioner submits that the earlier petition was dismissed as withdrawn and nothing was said on merit. The custody period was lesser at that time. Now the petitioner is in custody for last more than 2 years and 3½ months. Out of total 12 prosecution witnesses, only 2 witnesses have been examined and trial may take some time in final conclusion. No other case under NDPS Act is pending against him. The alleged recovery is marginal more than the commercial quantity.

Learned State counsel has not disputed the custody period as

well as stage of the trial. However, he opposed the bail on the ground of seriousness of offence.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

By considering the custody period of the petitioner which is more than 2 years and 3½ months and the fact that no other case of NDPS Act is there against him; out of total 12 prosecution witnesses, only 2 witnesses have been examined; trial may still take some time in final conclusion, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that in case the petitioner is found to be involved in any other case of NDPS Act during pendency of the trial, the State is at liberty to move application for cancellation of the bail.

07.10.2020*sunil yadav***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No